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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,647	03/04/2002	James E. McGwin JR.	2691-001	6097

7590 06/14/2006
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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/090,647	MCGWIN, JAMES E.	
	Examiner	Art Unit	
	Jonathan Ouellette	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent Claims 1 and 2 have been amended to include method steps/means for *communicating said at least one exception to at least one messaging controller over a first communication mechanism and, if not acknowledged, communicating said at least one exception to at least one messaging controller over at least one alternative communication mechanism*. The applicant has further pointed to paragraphs 0030, 0046, 0048, 0058, 0076, 0077, 0106, 0107, 0108, 0112, 0168, and 0174 in the specification for support of the newly amendment subject matter (underlined above).
3. The specification does disclose the ability to send an *original recipient* or *escalated recipient (not the message controller)* alternative/additional communications if an original message is not acknowledged (Paragraphs 0029-0030). The specification also discloses the ability for the *message controller* to receive communications from the process exception detection means through various alternative communications mechanisms (Para 0046).

4. However, the Paragraphs supplied by the applicant for support of the amended subject matter do not teach or disclose the ability of the system to monitor if a message is received by the message controller (acknowledged or not acknowledged), nor does the specification disclose that if a message (at least one exception) sent to the messaging controller is not acknowledged, communicating the message (at least one exception) to the messaging controller over at least one alternative communication mechanism. While such a back-up communication arrangement is disclosed for end recipients of the message (later determined by the message controller), the specification, figures, and original claims all fail to teach or disclose such a communication arrangement between the message controller and the process exception detection means.
5. Furthermore, some of the paragraphs supplied by the applicant (Paragraphs 0168, 0163, and 0174) for support of the amended subject matter are not in the specification as originally filed on 3/4/2002. The original specification only contains 34 pages and 0134 paragraphs).

Claim Rejections - 35 USC § 102

6. The rejection of Claims 1 and 2 under 35 U.S.C. 102(e) as being anticipated by Mikurak (US 6,671,818 B1), is withdrawn due to Applicant's amendments.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention

was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1 and 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over Arunapuram et al. (US 2002/0019759 A1).
9. As per **independent Claim 1**, Arunapuram discloses a method for using process exceptions to provide instant notifications for distributed processes (Fig.4; Para 0046-0048, status messages, alarms), comprising: monitoring stimulus from at least one information source at a critical point in a process (Fig.4; Para 0046-0048, status interface receives status messages) processing said stimulus to detect at least one process exception (Para 0048, status interface generates alarms based on expected early or late arrival messages), communicating said at least one exception to at least one messaging controller over a first communication mechanism (Fig.4, Para 0046-0048, Shipment Status Interface electronically communicates with Customer Status Interface as part of the execution module), wherein said information source is not connected to the first communication mechanism (Fig.4, Crossdocks, Warehouses, Distributor, and Carriers are information sources connected to Shipment Status Interface, not to the Customer Status Interface), processing said at least one exception at said messaging controller to determine at least one recipient to receive a notification and any associated contextual information (Para 0048, system determines transportation manager, sales office or customer related to shipment, before sending message/alert), and communicating said notification and any associated contextual information to said at least one recipient (Para 0048, message/alert sent).

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10. Arunapuram fails to expressly disclose wherein if a first communication to the messaging controller is not acknowledged, communicating said at least one exception to at least one messaging controller over at least one alternative communication mechanism.
11. However, Arunapuram discloses a Shipment Status Interface, which electronically communicates status/alert information with the Customer Status Interface as part of the Execution Module (Fig.4, Para 0046-0048). Furthermore, Arunapuram discloses the ability of the system to communicate internally and externally using several forms of communication, such as EDI, email, web, facsimile, or phone (Para 0044-0046).
12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used all available communication methods as back-ups or alternatives if one of the methods was not functioning correctly (network down, power outage, computer down), in order to efficiently and effectively ensure delivery of an important status/alert message to the customer.
13. As per **independent Claim 2**, Arunapuram discloses an apparatus for using process exceptions to provide instant notifications for distributed processes (Fig.4; Para 0046-0048, status messages, alarms), comprising: process exception detection means connected to a first communication mechanism (Fig.4; Para 0046-0048, Shipment Status Interface part of the execution module); and a messaging controller connected to the first communication mechanism (Fig.4, Para 0046-0048, Customer Status Interface part of the execution module), wherein said process exception detection means comprises: means to monitor stimulus from an information source (Fig.4; Para 0046-0048, status interface receives status messages) not connected to the first communication mechanism or the at least one alternate communication

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mechanism (Fig.4, Crossdocks, Warehouses, Distributor, and Carriers are information sources connected to Shipment Status Interface, not to the Customer Status Interface), a rules engine to determine at least one process exception based on said stimulus (Para 0048, status interface generates alarms based on expected early or late arrival messages), and means to communicate said exception to said messaging controller over the first communication mechanism (Fig.4, Para 0046-0048, Shipment Status Interface electronically communicates with Customer Status Interface as part of the execution module), and wherein said messaging controller comprises: interface means to receive said at least one exception, a rules engine to determine at least on notification for at least one recipient and to determine any associated contextual information based on said at least one exception (Para 0048, system determines transportation manager, sales office or customer related to shipment, before sending message/alert), and interface means to communicate said at least one notification and any associated contextual information to a recipient application (Para 0048, message/alert sent).

14. Arunapuram fails to expressly disclose alternative communication mechanisms for communicating between the process exception detection means and the _ messaging controller; and wherein if a first communication to the messaging controller is not acknowledged, communicating said exception to said messaging controller over at least one alternative communication mechanism.
15. However, Arunapuram discloses a Shipment Status Interface, which electronically communicates status/alert information with the Customer Status Interface as part of the Execution Module (Fig.4, Para 0046-0048). Furthermore, Arunapuram discloses the ability of the system to communicate internally and externally using several forms of

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communication (alternative communication mechanisms), such as EDI, email, web, facsimile, or phone (Para 0044-0046).

16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used all available communication methods as back-ups or alternatives if one of the methods was not functioning correctly (network down, power outage, computer down), in order to efficiently and effectively ensure delivery of an important status/alert message to the customer.

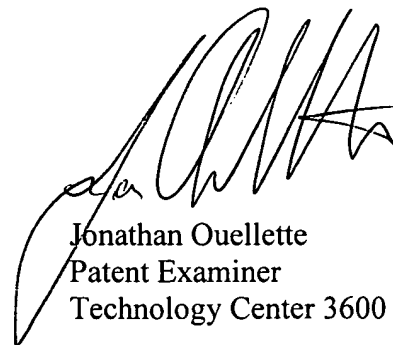
Response to Arguments

17. Applicant's arguments filed 3/27/2006, with respect to Claims 1 and 2, have been considered but are moot in view of the new ground(s) of rejection.
18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

June 8, 2006



Jonathan Ouellette
Patent Examiner
Technology Center 3600